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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1382 OF 2007

M/s.Chowgule Developers & Builders Petitioner
versus
Dr.Annasaheb Chowgule Urban
Co-op.Bank Limited Respondents

Mr.Kishor S. Patil for petitioner.
Mr.S.D.Patil i/by S.S.Tambekar for respondents.

CORAM : A.S.OKA, J.

DATE : 18th June 2007

PC :

1. Heard advocates for the parties. The challenge in this writ petition under Article 227 of the Constitution of India is to the order dated 12th January 2007 passed by the learned Judge of the Co-operative Court and confirmed by order dated 8th February 2007 passed by the learned Member of Maharashtra State Co-operative Appellate Court.

2. The Courts below have held that the dispute under section 91 of the Maharashtra Co-operative Societies Act, 1960 filed by the petitioner is

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not maintainable inasmuch as the challenge in the dispute is to the recovery certificate granted under section 101 of the said Act of 1960.

3. In view of settled position of law, the Courts below were justified in holding that the dispute was not maintainable under section 91 of the said Act of 1960 and the Co-operative Court had no jurisdiction to grant relief which was prayed for in the dispute. There is no merit in the writ petition and the same is rejected.

(A.S.OKA, J.)